

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

WYNDHAM VACATION
RESORTS, INC.,

Plaintiff,

v.

TOA, LLC d/b/a THE OWNERS'
ADVOCATE,
DAVID HUMPHREY
a/k/a SCOTT DAVIDSON,
KURT W. BARTLETT,
and KAY METKO,

Defendants.

No. 09-00899

Judge Haynes

MOTION TO SHOW CAUSE WHY DEFENDANTS
SHOULD NOT BE HELD IN CONTEMPT

Plaintiff, Wyndham Vacation Resorts, Inc. (the "Plaintiff" or "Wyndham"), submits this Motion to Show Cause Why Defendants Should Not Be Held in Contempt (the "Motion") and requests that this Court enter an order requiring Defendants TOA, LLC d/b/a The Owners' Advocate ("TOA")¹ and David Humphrey ("Humphrey"), to show cause why they should not be held in contempt of court for their noncompliance with the temporary restraining order (the "TRO") issued by this Court on September 29, 2009, the preliminary injunction (the "Injunction") issued by this Court on October 13, 2009, and the Order Amending Preliminary Injunction (the "Amended Injunction ") entered on November 16, 2009. In support of this

ORDER
This motion
is GRANTED. The
hearing is set
for July 23, 2010
at 2:30 pm.
The parties shall file
proposed
findings of fact
and
conclusions
of law
on
and
before
the hearing
July 23
10:00
6-29-10

¹ On December 8, 2009, Defendant TOA filed a "Suggestion of Bankruptcy." [Docket Entry No. 87]. On March 25, 2010, the United States Bankruptcy Court for the Middle District of Tennessee granted Wyndham relief from the automatic stay and a copy of the Order granting Wyndham relief from the automatic stay is attached hereto as Exhibit A.